

Area F BEI Ammendment - Response to IRT Comments

Color Key: Green: Comment addressed; Red: IRT/PDT issue; Yellow: Requires further action by WRA; P:

Tracked Comment #	Agency	Document	Section	Page	Comment Date
1	CDFW	Email	Email	NA	5/6/2021
2	CDFW	Email	Email	NA	5/6/2021
3	CDFW	Email	Email	NA	7/21/2021
4	CDFW	Easement Agreement	Email	NA	5/6/2021
5	CDFW	BEI Amendment	Email	NA	5/6/2021
6	CDFW	BEI Amendment	Email	NA	7/21/2021
7	CDFW	C-1; Development Plan	Email	NA	7/21/2021

Example: Requires discussion with IRT; Light Blue: response missing in document

Comment

Parentheses include paraphrased language/explanation. Other content is the verbatim comments.

You'll need to establish the exact acreage you are requesting be removed from the crediting before CDFW can really determine which documents need to be modified. Once the acreage is finalized, I would like to request that you provide a list of the Covered Species/Habitat credit types that will be affected by the removal of the introduction acreage and by how much for each credit type.

As I mentioned above, once we get the exact differences for each credit type affected, CDFW can more readily determine which exhibits need to be modified throughout the banking documents.

I am interested in hearing from the IRT about whether or not the access easement is a creditable area of the bank once the spineflower easement is in place.

My concern is the exhibits contained in the Easement Agreement describe the introduction area as being 6.722 acres with an additional 1.9 acres for the access to the introduction area. It is unclear why there is a discrepancy in the acreage, 6.76 versus 6.722 plus 1.9 [...]

[[It does not appear that the access acreage is being addressed in the amendment. Is that because the access route is already an established road with no credits associated with it?

Thank you for the explanation of the acreage differences between the official survey of the spineflower area and that obtained using GPS. We can just put this explanation in a footnote in the amendment document itself.

Appendix A – Figures, have been updated with new figures 63-66. However, those show some easements, but not all of them and they do not identify the spineflower introduction area as an easement. All easements should be depicted the same according to the map legend.

Response to Comment

Addressed by N. Bello, 7/16/2021 via email: We have included in the amendment package adjustments to the specific credits that should be modified using the 6.76 acres as described above. The changes to the credits can be most easily reviewed in the tracked changes version of the Exhibit F-1 word document. However these changes just show the previous credits in strike through and the new revised credits in underline. To aid your review I am attaching a crosswalk table (emailed 7/16/2021) of the credits from within the introduction area that have been removed from the creditable area of the bank.

Addressed by N. Bello, 7/16/2021 via email: A list of all of the documents which have been modified and a summary of the modifications was outlined in our transmittal letter dated December 4, 2017. We have modified all the documents that describe the credits (Exhibit C-1, and Exhibit F) as well as the documents that define management of the area (Exhibit D-5 and exhibit E-4.6). Changes to credits, land management, and the easement do not affect any of the other exhibits to our knowledge. I have also attached that letter here for ease of reference (emailed 7/16/2021)

Addressed by N. Bello, 7/16/2021 via email: Regarding 6.76 v.s. 6.72 acres: It is common for there to be slight discrepancies between surveyor acreage calculations and GIS acreage calculations. The explanation is complicated (at least for me since I don't do surveying or GIS) but it has to do with ground measurements vs the projections used in the State Plane Coordinate System for GIS spatial analysis. Since we use GIS to do spatial analysis to calculate acreages and credits across the property, we have used the GIS acreage (6.76 acres) throughout the language of the easement agreement, and in all of the amended BEI documents. This is consistent with all of the habitat mapping, delineations, etc... which were all done in GIS. The only place you will see " 6.722 acres more or less " is on the legal description that is attached to the easement agreement and was prepared by Newhall's surveyor.

[Regarding 1.9 acres for access] We do not include an access acreage anywhere in the easement agreement or amendment package, so I am not clear where the 1.9 acre number is coming from.

Addressed by N. Bello, 7/16/2021 via email: The easement agreement, conservation easement, and LTMP, all describe the introduction area and access language describing " a perpetual easement for pedestrian access (but not vehicular access) from Lake Elizabeth Road to the Introduction Area." Pedestrian only access was a requirement of the Bank Sponsor to be sure the bank habitats outside of the introduction area would not be adversely affected. Per Newhall's Spineflower Introduction Plan, access is limited to the "Project Biologist, Landscape Contractor, Newhall Land or its designee, ...and Land Veritas staff or their designee" as well as the easement holder and resource agencies. This pedestrian only access is not considered by us to be inconsistent with conservation goals, and the level of potential impact is anticipated to be similar to that of the monitoring and maintenance activities, and annual IRT site visits that are anticipated to occur within the Bank under the existing BEI. Furthermore these areas will be managed as habitat according to the Bank documents including the LTMP. For these reasons, we have not excluded the pedestrian access to the spineflower introduction area from the bank's creditable areas, but we have included language discussing the access in the easement agreement, and in the revised CE and LTMP.

8	CDFW	C-1; Development Plan	Email	NA	7/21/2021
9	CDFW	C-1; Development Plan	Email	NA	7/21/2021
10	CDFW	D-5; LTMP	1.2	1	6/9/2021
11	CDFW	D-5; LTMP	3.1.6	12	6/9/2021
12	CDFW	D-5; LTMP	3.2.3	13	6/9/2021
13	CDFW	D-5; LTMP	1.2	1	6/11/2021
14	CDFW	D-5; LTMP	1.2	1	6/29/2021
15	CDFW	D-5; LTMP	2.1.6	5	6/29/2021
16	CDFW	D-5; LTMP	Email	NA	7/21/2021
17	CDFW	D-5; LTMP; App B	Cattle Exclusion Areas	7	6/1/2021
18	CDFW	D-5; LTMP; App B	Petersen Ranch Bank Property	1	6/29/2021
19	CDFW	D-5; LTMP; App B	Grazing Caring Capacity	Table 1; page 4	6/29/2021
20	CDFW	D-5; LTMP; App B	Email	NA	7/21/2021
21	CDFW	E-2.1; PAW	Email	NA	7/21/2021
22	CDFW	F-1.1; Credit Evaluation	1	1	6/10/2021
23	CDFW	F-1.1; Credit Evaluation	1	1	6/10/2021

Figures 6, 8, 10, and 12 need to be updated with the easement delineated like the easement legend shows and the habitat acreages decreased. It would be good to know which easements area being credited and which are not based on the exhibit maps. I would think the ones shown on the maps currently are the ones that are not getting credits, but that is not clear from the figures and legends.

Figures 17 and 56 have a monitoring point within? the easement area. The introductory area easement needs to be delineated on these maps as well. The bank sponsor will need to confirm if the monitoring point is within the easement and if so, whether it's an appropriate location for a monitoring point.

(text being commented on: For the purposes of this Long-term Management Plan "Bank Properties" refers to only those Areas for which the CEs have been recorded).

This means that none of the spineflower language needs to be added here. It will be discussed in the LTMP and attachments at the time the CE is recorded.

Add description of spineflower introduction area (and pedestrian easement?) not being creditable area of the bank.

mention spineflower reintroduction and potential to occur outside easement area?

(text being commented on: For the purposes of this Long-term Management Plan "Bank Properties" refers to only those Areas for which the CEs have been recorded).

Think this means the different phases will be subject to this plan once the CEs have been recorded, so yes, update.

(text being commented on: For the purposes of this Long-term Management Plan "Bank Properties" refers to only those Areas for which the CEs have been recorded).

Needs clarification

(text being commented on: Property Assessment and Warranty (Exhibit E-2 of the BEI).)

This document will need to be updated to describe the new easements

Figure 4 and Figure 4 (not sure why these are the same figure number with different items on them) need to be updated to show the Newhall easements.

Newhall is responsible for all monitoring and management, including any grazing, within the enclosure as well, correct?

(text being commented on: The Petersen Ranch Bank Property consists of seven pastures totaling 3,689 acres that are available for grazing (Figure 1, Figure 2).)

This doesn't match Table 1

See comment above. Differs from site description. Acreage and number of pastures.

the amendment states that Figures 2, 5, 6, 9, 10 and 12 have been updated to remove introduction acreage from grazing areas/calculations. CDFW is not finding these figures in our files or RIBITS

PAW is not included in the amendment package in our file or RIBITS and will need to be updated.

(text being commented on: An additional 187.25 acres are subject to easements that do not conflict with the purposes of the Bank and have been included in the crediting determinations).

Does this include the 1.4? acres for the pedestrian access easement for Newhall?

(text being commented on: No more than 3,697.24 total credits can be transferred from the Bank from across all credit categories.)

Why does this number differ from the creditable acreage identified in the above paragraph?

PER CDFW, this does not need to be updated at this time, but will need to be updated when Area F is implemented.
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24	CDFW	F-1.1; Credit Evaluation	1	1	6/10/2021
25	CDFW	F-1.1; Credit Evaluation	2.1	Table 1; page 3	6/10/2021
26	CDFW	F-1.1; Credit Evaluation	2.2	Table 3; page 5	6/10/2021
27	CDFW	F-1.1; Credit Evaluation	2.4	Table 6; page7	6/28/2021
28	CDFW	F-1; Credit Evaluation	Email	NA	7/21/2021
29	CDFW	F-1.1; Credit Evaluation	Email	NA	7/21/2021
30	CDFW	F-1.2; Credit Evaluation	Email	NA	7/21/2021
31	USACE	Email	Email	NA	2/18/2021
32	USACE	Email	Email	NA	2/18/2021
33	USACE	Email	Email	NA	2/18/2021
34	USACE	Email	Email	NA	2/18/2021

(text being commented on: The resulting creditable acreage across the Bank Properties is 3,690.48).

3,690.76?

.83 credits removed

.41 credits removed

6.75 acres removed, not 6.76?

The amendment requests says that exhibits F-1.3.1, F-1.3.3, F-1.3.5 and F-1.3.7 have been updated with the reduced acreages; however, CDFW is not finding these in our file or RIBITS either.

I would still like a breakdown of how much of each credit type is being subtracted so it can more easily be determined if additional maps need modification or to verify the modified maps that were submitted. I know some of the credit maps, I think they are figures 63-66 show credits totals that have been reduced by 6.75 acres instead of 6.76.

Credit Crosswalk is also not included in our file or RIBITS and will need to be updated.

(Provide) Tracked changes version of all documents

(Provide) .kmz file for the spineflower area, as well as for all figures to clearly depict/outline the spineflower area

Confirmation if any credits had been sold or not for the spineflower area

Is there a specific date by which the Sponsor needs to complete the amendment?

Addressed by M. Tyner-Valencourt, 2/23/2021 via email: There are tracked-changes versions of the documents uploaded to RIBITS, are these the documents you were looking for? If not, can you please clarify your request?
Addressed by M. Tyner-Valencourt, 2/23/2021 via email: I will follow up with the kmz of the spineflower area asap. In the meantime, the figures in the amendment package show updated credit maps for Area F. All the figures show a blank area that represents the spineflower area being cut out of the credit map, as this area will no longer be able to generate credits for the mitigation bank to sell. Can you confirm that the IRT would like all the mitigation bank credit maps in this amendment package to be updated to include the boundary of the spineflower area as a feature and legend item?
Addressed by M. Tyner-Valencourt, 2/23/2021 via email: The spineflower area is located in Area F, which has not yet been incorporated into the operational Petersen Ranch Mitigation Bank - there is no easement over Area F and it is not generating credits because it has not been established. Therefore no credits have been released or sold from Area F or the spineflower area.
Addressed by M. Tyner-Valencourt, 2/23/2021 via email: The original amendment request was submitted in December 2017. Land Veritas has since submitted another amendment request (the Caltrans sales agreement) and at least one other amendment request may be submitted in 2021. Therefore it will be helpful if this amendment could be processed as soon as possible to facilitate approval of other requests in a timely manner.

Cell: G27

Comment: Marlene Tyner-Valencourt:

STEPH - I can't find this comment in the document, did it get deleted or is it from another document?